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LEE & HAYES, PLLC

REMARKS

Submission of Substitute Declaration

Appendix A provides a Substitute Declaration, signed by the inventors: Mark A. Tschiegg; Linda P. Burrows; Todd A. Reinart; and Peter F. Langan. The Patent Office is respectfully requested to enter the Substitute Declaration in the above-captioned case.

Petition Under 37 C.F.R. § 1.183

The Patent Office will note that the Substitute Declaration lacks the signature of one of the inventors, Michael J. Sutherland. The Declaration lacks Mr. Sutherland's signature due to Applicant's inability to obtain Mr. Sutherland's signature after several attempts.

To the extent that the Patent Office deems it necessary, the Applicant hereby petitions for acceptance of the Substitute Declaration without the signature of Mr. Sutherland under 37 C.F.R. § 1.183. The following facts, in conjunction with the exhibits of Appendix B, set forth Applicant's attempts to contact Mr. Sutherland in connection with the execution of the Substitute Declaration.

- Applicant's undersigned representative sent declaration papers to Mr. Sutherland on about April 7, 2006 by certified mail. Exhibit 1 shows a copy of the face of the mail package, stamped by the post office to indicate that multiple attempts were made to deliver the package, but the package went ultimately unclaimed.

- Applicant's undersigned representative next sent declaration papers to Mr. Sutherland on about June 9, 2006 by Federal Express, with instructions for Mr. Sutherland to return the executed papers to the undersigned. Exhibit 2 shows a copy of

1 an online Fed-Ex shipment record corresponding to this package. To date, the
2 undersigned has not received the executed declaration papers.

3 • The undersigned has made multiple attempts to contact Mr. Sutherland by
4 telephone. For instance, the undersigned left voice messages on what is believed to be
5 Mr. Sutherland's telephone answering machine on April 7, 2006 and May 20, 2006. To
6 date, Mr. Sutherland has not contacted the undersigned in response to these messages.

7 Mr. Sutherland's last known address is: Michael J. Sutherland, 10 Ginger Dr.,
8 West Hartford, Connecticut 06110. Mr. Sutherland's last known home telephone number
9 is 860-508-0915.

10 Based on these facts, the Patent Office is respectfully requested to accept the
11 Substitute Declaration without the signature of Mr. Sutherland. A petition fee set forth in
12 37 C.F.R. § 1.17(f) is submitted herewith.

13 If there are any questions in connection with this submission, the Patent Office is
14 invited to contact the undersigned.

15
16
17 Respectfully Submitted,

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19 Dated: September 15, 2006

By: 

David M. Huntley
Reg. No. 40,309
(509) 324-9256